

Application Serial Number 10/520,866  
Response to Office Action  
Dated October 17, 2006

RECEIVED  
CENTRAL FAX CENTER  
FEB 20 2007

### REMARKS / DISCUSSION OF ISSUES

Claims 1-17 are under present consideration. Claim 1 is independent.

Unless indicated to the contrary, claims are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the indication of allowability of claims 13, 14 and 17. At the present time Applicant declines to place these claims in independent form, but reserves the right to do so in further and future correspondence. Moreover, Applicants decline to address the reasons for allowability of these claims, but will do so in further and future correspondence as appropriate.

#### **Objection to the Specification**

The Action objects to the form of Specification because it lacks headings, but does not provide basis for the objection. Applicant respectfully declines to amend the Specification to introduce such headings. Applicant respectfully submits that the provisions of 37 CFR §1.77(b) are guidelines only (i.e., not mandatory). Moreover, Applicant respectfully submits that the provisions of 37 CFR § 1.77(b) are inapplicable to this Application because it is a nationalization under the Patent Cooperation Treaty (PCT).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

#### **Objections to the Drawings**

Applicants have reviewed the objections to the drawings and respectfully submit that the drawings are in accordance with 37 C.F.R. § 1.84. The Office Action objects to the lack of labels in elements 15a, 15b, 16, 26, 27, 45, 46, 48 and 49 in Figs. 1A-B, 4A-C and 5A-D. In certain instances, the symbol of the element is a known shape. For

Application Serial Number 10/520,866  
Response to Office Action  
Dated October 17, 2006

instance, the standard symbol in electronic circuits for an amplifier is as shown for amplifier 29; and current sources are normally shown in circuit diagrams as bias current source 25 is shown. In other instances, if the selected symbol is not universal, the application as filed provides a description of the element associated with the reference character that is located within or adjacent to the symbol. Thus, one skilled in the art would readily be able to ascertain the element during review of the application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

#### Rejections Under 35 U.S.C. § 102

Claims 1-12 and 16 are rejected under 35 U.S.C. § 102(c) as being anticipated by *Yakabe* (U.S. Patent 7,088,112). For at least the reasons set forth herein, Applicants respectfully submit that this rejection is improper and should be withdrawn.

Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 is drawn to a capacitive feedback circuit and features:

Application Serial Number 10/520,866  
Response to Office Action  
Dated October 17, 2008

“...a voltage input terminal... [and] a feedback capacitor, having a first terminal connected to the input terminal and having a second terminal connected to a high-impedance node.”

In a representative embodiment described in the filed application in connection with Fig. 2, a capacitive feedback circuit 20 includes a feedback capacitor 23, having a first terminal connected to input terminal 21 and a second terminal connected to a high-impedance node. (Kindly refer to page 4, lines 24-29 of the filed application.)

The Office Action asserts that the reference to *Yakabe* discloses the noted features of claim 1. To wit, the Office Action asserts that in the description of Fig. 4 *Yakabe* discloses a voltage input terminal ( $V_{in}$ ) and a feedback capacitor (C), having a first terminal connected to the input terminal. Firstly, Applicant notes that  $V_{in}$  in *Yakabe* refers to an input voltage, and not an input terminal as claimed.

Secondly, and more significantly, the reference to *Yakabe* fails to disclose that the capacitor (C) is a feedback capacitor, or that one of its terminals is connected to the input terminal. Rather, the reference discloses that at a first terminal, the first capacitor (C) connects to an output of an operational amplifier (OP1) and the **output voltage ( $V_{out}$ ) terminal (OUT)** of the circuit. Thus, the capacitor (C) of *Yakabe* does not have a terminal connected to the voltage input terminal ( $V_{in}$ ) according to the position of the Office Action), but rather to an output terminal ( $V_{out}$ , OUT). Moreover, there is no mention of the capacitor's being a feedback capacitor, nor is the circuit configured as such.

For at least the reasons set forth above, Applicant respectfully submits that the reference to *Yakabe* fails to disclose at least one feature of independent claim 1, and that there is at least one difference between claim 1 and the applied art as viewed by a person of ordinary skill in the art. Therefore, a prima facie case of anticipation has not been made and claim 1 and the claims that depend therefrom are patentable over *Yakabe*.

Application Serial Number 10/520,866  
Response to Office Action  
Dated October 17, 2006

RECEIVED  
CENTRAL FAX CENTER

FEB 20 2007

**Conclusion**

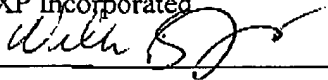
In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

NXP Incorporated



by: William S. Francos (Reg. No. 38,456)

Date: February 20, 2007

Volentine Francos & Whitt, PLLC  
Two Meridian Blvd.  
Wyomissing, PA 19610  
(610) 375-3513 (v)  
(610) 375-3277 (f)